

DATE: January 26, 2012

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0085
Administrative Review for Minor Amendment
Site Use: Montgomery Center
Applicant: Bruce Machanic
Location: 300 Montgomery Street
Zone: CRMU-X / Commercial Residential Mixed Use

Request

Special Use Permit #2011-0085 is a minor amendment request to change the existing balance of uses allowed in the Montgomery Center. The applicant proposes to increase the square footage of private commercial schools allowed in the building by 5,000 square feet to allow for the expansion of the Art League within the building. The amount of retail and personal service uses allowed in the building will decrease such that the overall parking requirement for the building will not change. The table below illustrates the current square footage for each type of use as outlined in Condition #2 of the SUP as well as the proposed changes. No other changes to the operation are proposed.

<i>Use</i>	<i>Existing Allowance</i>	<i>Proposed Limits</i>	<i>Difference</i>
Office	35,000 SF	35,000 SF	No change
Personal Service	15,000 SF	14,000 SF	-1,000 SF
Retail	30,000 SF	25,000 SF	-5,000 SF
Carry-out Restaurant	10,000 SF	10,000 SF	No change
Commercial School	30,000 SF / 125 Students	35,000 SF / 175 Students	+5,000 SF / 50 Students

Background

In June 1993, City Council approved umbrella Special Use Permit #2684 for a 270-space parking reduction, recognizing that the Montgomery Center was originally constructed without any off-street parking. The umbrella SUP stipulated the type and size of uses that may be allowed in the building without individual SUPs for a parking reduction. It also permitted one special use, carry-out restaurants, without the need for individual SUPs. The original 1993 SUP has been amended several times over the years, including an amendment to allow a second special use, private commercial schools, without the need for individual SUPs. The most recent SUP amendment was approved in 2007 (SUP#2007-0058).

Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

Parking

The applicant is not required to provide any off-street parking, since the original SUP included a 100% parking reduction. The current request will not change the overall parking requirement since the requirement for the use being expanded will be off-set by the uses being reduced in size. The increase of 50 students at the Montgomery Center carries a 25-space parking requirement pursuant to Section 8-200(A)(11.1) of the Zoning Ordinance. The decrease of 5,000 square feet of retail space and 1,000 square feet of personal service space carries a parking requirement of 26 spaces.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the North Old Town Independent Citizens Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

Staff Action

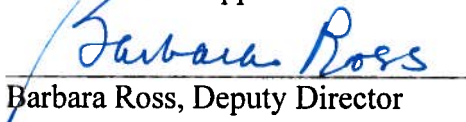
Staff supports the minor amendment request and notes that it will assist in the expansion plans for the Art League, a long-standing non-profit arts organization. The request amounts to a minor change in the overall balance of uses in the building which have been stipulated specifically in this SUP for parking reasons. Given that the parking requirement will actually be reduced by one space as a part of this request, staff concludes that it is consistent with Section 11-511(A)(2) of the Zoning Ordinance regarding its eligibility for a minor amendment.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 31, 2012

Action: Approved


Barbara Ross, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2011-0085

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP 2684)
2. **CONDITION AMENDED BY STAFF:** This Special Use Permit allows the following special uses within the existing Montgomery Center buildings:
 - a. Office - up to 35,000 sq.ft.
 - b. Personal service - up to ~~15,000~~ 14,200 sq.ft.
 - c. Retail - up to ~~30,000~~ 25,000 sq.ft
 - d. Carry-out restaurant - up to 10,000 sq.ft.
The owner/operator of any new restaurant shall be required to obtain a separate special use permit.
 - e. Commercial school - up to ~~30,000~~ 35,000 sq.ft. and up to ~~125~~ 175 students.

(P&Z)(SUP#2007-0058)

3. New businesses that occupy more than 5,000 square feet and constitute a change in use shall require an amendment to this special use permit. (P&Z) (SUP#2007-0058)
4. A parking reduction is granted for up to 270 spaces, including the four spaces waived in January 1992 for the Old Town Baker under SUP #1622-B. This waiver applies only to office, personal service, retail, commercial school and carry-out uses accommodated within the existing building and within the size limitations set out under Condition #2 above. (P&Z) (SUP 2684)
5. Each new business shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for all employees. (P&Z) (SUP#97-0153)
6. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2004-0080)

7. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
8. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
9. **CONDITION ADDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 T&ES supports the application since the proposed change in use does not result in a parking requirement in excess of the 270 space parking reduction previously approved in SUP2007-00058. (T&ES)
- R-1 **Added by Staff:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-2 **Added by Staff:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-3 **Added by Staff:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-4 A parking reduction is granted for up to 270 spaces, including the four spaces waived in January 1992 for the Old Town Baker under SUP #1622-B. This waiver applies only to office, personal service, retail, commercial school and carry-out uses accommodated within the existing building and within the size limitations set out under Condition #2 above. (P&Z/TES) (SUP 2007-00058)
- C-1 **Added by Staff:** The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form.
- C-2 **Added by Staff:** The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Acting Plan Review Supervisor at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 The proposed use constitutes a change in use group classification. New Certificates of Occupancy are required. The space contains mixed uses and each certificate must specify use group, type of construction, and occupant load.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit for a change of use. Building and trades permits are required for this project. Five sets of *construction documents* sealed by a *Registered Design Professional* that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s). The plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Before a building permit can be issued on any proposed future alterations, a certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos.
- C-6 The developer shall provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) floor area per floor; e) tenant area; f) fire protection plan.
- C-7 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof.
- C-8 Certification is required from the owners or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos.
- C-9 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure.

- C-10 The accessibility must comply with the requirements of USBC.
- C-11 Exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-12 Toilet Rooms for Persons with Disabilities:
(a) Water closet heights must comply with USBC 1109.2.2
(b) Door hardware must comply with USBC 1109.13
- C-13 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-14 Electrical wiring methods and other electrical requirements must comply with NFPA #70, 2008.

Health Department:

F-1 No Comments

Parks and Recreation:

F-1 No Comments Received

Police Department:

F-1 No Comments Received

STATEMENT OF CONSENT

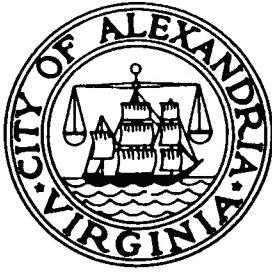
The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2011-0085. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the umbrella SUP at 300 Montgomery Street.

Bruce Machanic
Applicant - Signature

2.1.12
Date

BRUCE MACHANIC
Applicant - Printed

2.1.12
Date



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2011-0085

Approved by Planning and Zoning: January 31, 2012

Permission is hereby granted to: Bruce Machanic

to use the premises located at: 300 Montgomery Street

for the following purpose: see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

1/31/12

Date

Faroll Hamer / Ba

Faroll Hamer, Director
Department of Planning and Zoning